

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHU DUC NGUYEN,
Petitioner,

v.

WILLIAM LOVE, THE DISTRICT
ATTORNEY OF THE COUNTY OF
PHILADELPHIA AND THE ATTORNEY
GENERAL OF THE STATE OF
PENNSYLVANIA,
Defendants.

CIVIL ACTION

NO. 04-1665

ORDER

AND NOW, this 8th day of June, 2023, upon consideration of the Petitioner's Motion for Rule 60(b)(6) Relief, the Commonwealth's Response thereto, Petitioner's Traverse, the other documents filed by the parties, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells and Petitioner having filed no timely objections thereto, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Rule 60(b)(6) Motion is **DENIED**, without an evidentiary hearing; and
3. Petitioner has neither shown denial of a federal constitutional right, nor established that reasonable jurists would disagree with this court's procedural disposition of his claims. Consequently, a certificate of appealability is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.